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10/797,683

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EXAMINER

D'AGOSTINO, PAUL ANTHONY

ART UNIT

PAPER NUMBER

3714

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/797,683

Applicant(s)

COK, RONALD S.

Examiner

Paul A. D'Agostino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS; WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/9/2004 and 8/19/2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Regarding claim 13, the phrase "and/or" renders the claim indefinite because it is unclear whether either limitations before and following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 9-12, 14, 16-17, 20-22, 29, 32, and 40-41 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri).

#### In Reference to Claims 1, 29, and 40

Tajiri discloses an interactive display device {system and method} (Fig. 1

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"portable game machine" 20) comprising:

a){detecting} a {plurality of interactive } display{s} (Fig. 1 "liquid crystal display" 27 and "captured pokemans, those generated from pokeman couples, and those traded with other players are used to have battles with other player's pokemans" Col. 11 Lines 45-47);

b) {each interactive display device having at least} a non-volatile memory (Fig. 2 "non-volatile memory" 11) having {at least one source of} interaction data and {at least one source of} image content depicting a character stored therein (Fig. 3 ROM and program, image data, Pokeman data, Sound data, Pokeman Appearance, Zone map, and Miscellaneous Storage Regions I11-I17);

c) {receiving interaction data based upon interaction received} a communication circuit adapted to transmit interaction data to another interactive display device and to receive interaction data from said other interactive display device ("CPU" 23, "interface" 28 and "connector" 29); and

d) {determining and presenting a character image} a display controller adapted to determine modified interaction data {for each of the plurality of display devices to select at least one of the character images in the source of character images for presentation on each interactive display device} based at least in part upon received {modified} interaction data {for that interactive display device}, to determine a character image based at least in part upon the modified interaction data and the stored image content and to cause the display to present the character image {for each interactive display device to be presented on the display device associated with that interactive display device} ("display controller"

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26; system is capable of performing these functions, see Col. 10 Lines 40-47 and the plurality is disclosed by the system wherein "for every pokeman joined in battle" Col. 7 Lines 62-64);

e) wherein the display controller is further adapted to store the modified interaction data in the non-volatile memory (system is capable of performing this function, see Col. 13 Lines 14-20).

In Reference to Claims 2-7 and 9-12, 14, and 17

Tajiri discloses image sequences (Fig. 8), character interactions (Figs. 18 and 19), a transducer (Fig. 6 "infrared transmitter/receivers" 16) for exchanging data using a wireless communication path (Col. 9 Lines 43-54), a physical communication path (Fig. 5 "cable" 40), a removable memory ("flash" memory Col. 6 Lines 31-32), a user input system (Fig. 1 "operation switches" 22) and wherein interaction data is entered using the user input system ("switch 22a used to move a cursor and direct any character available for the player in desired directions" col. 9 Lines 7-9), at least one of character identification, character attributes, and character status ("pokeman data region 113 stores property data for distinguishing every pokeman by name, kind, height, weight, habitat..." Col. 6 Lines 49-53), at least one of modified character identification, modified character attributes, and modified character status ("Once a pokeman is captured... the current hit point (HP), experience point, level, state, technique, ability, and the like, are written into the areas 120 to 128, respectively." and Fig. 4), a user input system (Fig. 1 "switches" 22) having a transducer (Fig. 2 "communications

circuit" 16 and CPU 23) for converting a user input action into a signal that can be used by the display controller to determine personalization information ("the player actuates operation switches 22a and 22b to store his/her name or nickname" Col. 8 Lines 6-9), at least one of the character, images, and character attributes are personalized in accordance with the personalization data ("area 126 stores parental ID data indicating who captured the pokeman (the player's name and ID data" Col. 7 Lines 31-32), wherein the personalization data is used as part of the interaction data ("players exchange both their ID data" Col. 4 Lines 55-64) and a flat panel display (FIG. 1).

In Reference to Claims 16, 20-22, 32, and 41

Tajiri discloses a display approximately the size of a playing card (Fig. 1); wherein the image content is at least one of a motion image sequence, a still image, a group of still images and a stream of image information (Figs. 8, 18, and 19); further comprising an audio system to generate audio signals based upon audio content stored in the non-volatile memory and display controller (Fig. 3 "Sound Data Region", "audio processing program (Col. 6 Line 38), and "stores data for sound effects" Col. 6 Lines 55-59); wherein the interaction data further comprises audio content and wherein the display further comprises an audio system adapted to generate sounds based upon the audio content received by the display device (Fig. 3 "Sound Data Region", "audio processing program (Col. 6 Line 38), and "stores data for sound effects" Col. 6 Lines 55-59); wherein each display device has interaction data stored therein that associates the interactive

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display device with character images (Fig. 3 ROM and program, image data, Pokeman data, Sound data, Pokeman Appearance, Zone map, and Miscellaneous Storage Regions I11-I17); {and further comprising the step of transmitting the interaction data to the other display device} (Fig. 13).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 13 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 6,253,167 to Matsuda et al. (Matsuda).

Tajiri discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose an interactive display device wherein the communication circuit is adapted to communicate with said other display device using network interaction; wherein the display controller is further adapted to cause the display to present questions relevant to a character and wherein answers to the questions are used to determine personalization data and wherein the character images, and character interaction data are transmitted via a communication through a computer network and stored within the interactive display devices.

Matsuda teaches of sharing a virtual creature (Col. 3 Line 23) wherein the communication circuit is adapted to communicate with other display devices using network interaction (Fig. 3 "The Internet" and "These PCs are connected to the Internet 7 through Internet Service Providers" Col. 9 Lines 31-35); of a creature that asks questions e.g. if no access has been made in over a week, a message "Are you bust these days ?" ... is sent." Col. 16 Lines 54-57) to receive user input, and of character interaction data that is transmitted via a communication through a computer network (Fig. 6) and stored within the interactive display devices ("file downloaded and stored in the local HDD ('Hard Disk Drive') 31 (Col 10 Lines 52-63)) in order to provide a shared virtual space providing system that enables two or more users to share a virtual creature to communicate with and breed it for shaping its character (Col. 3 Lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the network, question capability, and downloading and storage as taught by Matsuda into the system of Tajiri in order to provide a shared virtual space providing system that enables two or more users to share a virtual creature to communicate with and breed it for shaping its character.

7. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 6,253,167 to Matsuda et al. (Matsuda) as applied to claims 29, 32, and 33 above,



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and further in view of U.S. Patent No. 6,468,162 to Nakamura (Nakamura) and U.S. Patent No. 5,440,108 to Tran et al. (Tran).

Tajiri, as modified by the sharing a virtual creature (Col. 3 Line 23) wherein the communication circuit is adapted to communicate with other display devices using network interaction (Fig. 3 "The Internet" and "These PCs are connected to the Internet 7 through Internet Service Providers" Col. 9 Lines 31-35), discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose character images and interaction data stored within the interactive display devices at manufacture and the interactive display devices are vended in a vending machine.

Nakamura teaches of "a game machine for selling character information" (Fig. 3A and Fig. 7 and Col. 1 Lines 64-65) that "may be connected to a network" (Col. 3 Line 17). "The character information may be of various types of information (e.g. name, image, sound, level, physical strength..." (Col. 6 Lines 17-25 and Col. 7 Lines 10-17)). Nakamura teaches of randomly providing character data in contrast to "conventional vending machines" (Col. 9 Lines 1-4) where "However, such a game program selling system must sell a game program selected by a player itself. This is nothing other than conventional vending machines." (Col. 9 Lines 5-9).

One skilled in the art would know that game character data can be purchased over a network via gaming system and vending apparatus as taught by Nakamura in order to increase enjoyment of game (Col. 2 Lines 17-20) or

alternatively, through conventional vending machines, as suggested by Nakamura.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the character images and interaction data vended in a conventional vending machine as taught by Nakamura, into the system of Tajiri, as modified by the network of Matsuda, in order to obtain character images and character data through conventional vending machines.

However, Tajiri, as modified by Matsuda and Nakamura, fail to disclose a vending machine capable of vending interactive display devices.

Tran discloses a dispensing machine (Fig. 13) that dispenses products (system is capable of dispensing interactive display devices) in exchange for payment by cards that can be revalued (Col. 1 Lines 51-54) in order to prevent the waste of discarded cash cards (Col. 1 Lines 48-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the dispensing machine as taught by Tran into the teachings of Tajiri, as modified by the network of Matsuda and the character images and interaction data vended in a vending machine as taught by Nakamura, in order to prevent the waste of discarded cash cards.

8. Claims 15, 18-19, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent Pub. No. 2003/0134460 to Forbes et al. (Forbes).

Tajiri discloses a system substantially equivalent to applicant's claimed

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invention. However, Tajiri fails to disclose a flexible display, an OLED display, a display using bi-stable cholesteric materials to form images, a color display and wherein any of the non-volatile memory, the display controller, and the communication circuit are mounted on the display.

Forbes discloses known flexible displays (Fig. 28), an OLED displays ([0039]), a display using bi-stable cholesteric materials to form images ([0039]), color displays ([0039], wherein any of the non-volatile memory, the display controller, and the communication circuit are mounted on the display (system is capable of performing this function; "The driver and addressing circuits can be located on the integrated circuit chips, created by using discrete components or fabricated during the backplane manufacturing process directly on to the backplane substrate material" ([0042]) in order to present displays that are more easily read ([0077]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the known displays and driver as taught by Forbes into the system of Tajiri in order to present displays that are more easily read.

9. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 5,598,565 to Reinhardt (Reinhardt).

Tajiri discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose a passive-matrix display.

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Reinhardt teaches of known passive-matrix displays used in portable electronic devices to display information to a user (Col. 1 Lines 33-42) and of a system in order to reduce the amount of power used by these displays in portable devices (Col. 1 Lines 52-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the known passive-matrix displays as taught by Reinhardt into the system of Tajiri in order to display information to a user and reduce the amount of power used by these displays in portable devices.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 6,285,420 to Mizumo et al. (Mizumo).

Tajiri discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose a reflective display.

Mizumo teaches of a reflective liquid crystal display (claim 4) in order to provide a display device which is smaller in size and can produce a sufficiently bright display image (Col. 2 Lines 47-49).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the reflective display as taught by Mizumo into the system of Tajiri in order to provide a display device which is smaller in size and can produce a sufficiently bright display image.

11. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being

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unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 6,287,193 to Rehkemper et al. (Rehkemper).

Tajiri discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose a display device wherein the display controller is a non-programmable state machine and wherein the display controller comprises a non-programmable logic circuit.

Rehkemper teaches of a display device wherein the display controller is a non-programmable state machine and wherein the display controller comprises a non-programmable logic circuit ("The controller is preferably an integrated circuit chip (IC), but may be discrete logic and ancillary electronic components (Col. 4 Lines 41-43) in order to provide added functionality and enjoyment by enabling the user to interact with a plurality of game functions (Col. 2 Lines 2-23) such as the care of a virtual pet (Col. 3 Line 22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the non-programmable state machine and non-programmable logic circuit as taught by Rehkemper into the system of Tajiri in order to provide added functionality and enjoyment by enabling the user to interact with a plurality of game functions (Col. 2 Lines 2-23) such as the care of a virtual pet.

12. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 5,728,960 to Sitrick (Sitrick).

Tajiri discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose a display system wherein the communication circuit and display controller are located in an interface module that is separate from the display devices.

Sitrick teaches of a communication circuit and display controller separate from the display device (Fig. 1A and Fig. 6 "Master and Non-Master workstations" and "shows processor with memory (115) as an external separate component" (Col 6 Lines 1-11)) in order to disseminate music to one display or a large number of displays (Col. 5 Lines 28-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the communication circuit and display controller separate from the display devices as taught by Sitrick into the system of Tajiri in order to disseminate music to one display or a large number of displays.

13. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 5,728,960 to Sitrick (Sitrick) as applied to claims 29 and 30 above, and further in view of U.S. Patent Pub. No. 2003/0134460 to Forbes et al. (Forbes).

Tajiri, as modified by the communication circuit and display controller separate from the display device of Sitrick, discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose a bi-

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stable display and wherein the display controller comprises a display driver for causing an image to be formed on the bi-stable display.

Forbes teaches of a bi-stable display ([0039]) and wherein the display controller comprises a display driver for causing an image to be formed on the bi-stable display ("driver" [0042]) in order to present displays that are more easily read ([0077]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the bi-stable display and driver as taught by Forbes into the system of Tajiri, as modified by the communication circuit and display controller separate from the display device of Sitrick, in order to present displays that are more easily read.

14. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 5,728,960 to Sitrick (Sitrick) as applied to claims 29 and 30 above, and further in view of U.S. Patent Pub. No. 2003/0134460 to Forbes et al. (Forbes) as applied to claim 31, further in view of U.S. Patent No. 6,468,162 to Nakamura (Nakamura).

Tajiri, as modified by the communication circuit and display controller separate from the display device of Sitrick and the bi-stable display and display driver as taught by Forbes, discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri, Sitrick, and Forbes fail to disclose selection of characters by a purchaser.

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However, Nakamura teaches of selection of game characters by a purchaser at a vending machine ("sell a game program selected by a player itself" (Col. 9 Lines 5-9)) in order for a player "to realize collection of character information" (Col. 1 Lines 52-54).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed character selection by a purchaser as taught by Nakamura into the system of Tajiri, as modified by the communication circuit and display controller separate from the display device of Sitrick and the bi-stable display and display driver as taught by Forbes, in order for a player to realize collection of character information.

15. Claims 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 6,468,162 to Nakamura (Nakamura) and U.S. Patent No. 5,440,108 to Tran et al. (Tran).

Tajiri discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose a kiosk which vends interactive display devices having different characters selected by a purchaser.

Nakamura teaches of "a game machine for selling character information" (Fig. 3A and Fig. 7 and Col. 1 Lines 64-65). "The character information may be of various types of information (e.g. name, image, sound, level, physical strength..." (Col. 6 Lines 17-25 and Col. 7 Lines 10-17)). Nakamura teaches of randomly providing character data in contrast to "conventional vending



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machines" (Col. 9 Lines 1-4) where "However, such a game program selling system must sell a game program selected by a player itself. This is nothing other than conventional vending machines." (Col. 9 Lines 5-9).

One skilled in the art would know that game character data can be purchased with the gaming system and vending apparatus as taught by Nakamura in order to increase enjoyment of game (Col. 2 Lines 17-20) or alternatively, through conventional vending machines, as suggested by Nakamura.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the character images and interaction data vended in a conventional vending machine as taught by Nakamura, into the system of Tajiri in order to obtain character images and character data through conventional vending machines.

However, Tajiri, as modified by Nakamura, fails to disclose a system wherein the kiosk vends at different prices and wherein the kiosk spends interactive display devices with characters having at least one of character image, character attributes, and personalization data determined at least in part based upon a price paid for the interactive display devices.

Tran discloses a dispensing machine (Fig. 13) that dispenses products (system is capable of dispensing interactive display devices) at different prices ("price table" (Col. 5 Line 10) and the kiosk spends interactive display devices with characters having at least one of character image, character attributes, and personalization data determined at least in part based upon a price paid for the

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interactive display devices (system is capable of performing this intended use) in exchange for payment by cards that can be revalued (Col. 1 Lines 51-54) in order to prevent the waste of discarded cash cards (Col. 1 Lines 48-51).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the dispensing machine and pricing as taught by Tran into the teachings of Tajiri, as modified by the character images and interaction data vended in a vending machine as taught by Nakamura, in order to prevent the waste of discarded cash cards.

16. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 6,200,216 to Peppel (Peppel).

Tajiri discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose tradeable cards.

Peppel teaches of electronic trading cards (Fig. 2 and Col. 3 Lines 41-47) in order to enhance collecting, trading, and game playing." (Col. 3 Lines 36-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the electronic trading card as taught by Peppel into the teachings of Tajiri in order enhance collecting, trading, and game playing.

17. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 5,971,855 to Ng (Ng).

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Tajiri discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose a status score and the step of generating modified interaction data comprises adjusting the status score, and further comprising the step of prohibiting further interaction between the interactive display device and other interactive display devices, when the status score falls below a threshold.

Ng teaches a status score ("wellness statistics" Col. 5 Line 51) and the step of generating modified interaction data comprises adjusting the status score (scores range from 0 to 100 ... each fighter begins with a health of 80" Col. 5 Lines 54-55), and further comprising the step of prohibiting further interaction between the interactive display device and other interactive display devices, when the status score falls below a threshold ("If health drops to 0, the fighter dies." Col. 5 Lines 53-54) in order to provide features of the higher priced and more complex games to be included in the less expensive units (Col. 1 Lines 25-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the wellness statistics and prohibition of further interaction with other fighters as taught by Ng into the teachings of Tajiri in order to provide features of the higher priced and more complex games to be included in the less expensive units.

18. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over

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U.S. Patent No. 6,482,092 to Tajiri et al. (Tajiri) in view of U.S. Patent No. 5,971,855 to Ng (Ng) as applied to claims 40 and 42 above, and further in view of U.S. Patent No. 6,213,872 to Harada et al. (Harada).

Tajiri, as modified by the wellness statistics and prohibition of further interaction with other fighters of Ng, discloses a system substantially equivalent to applicant's claimed invention. However, Tajiri fails to disclose generating a reset signal that adjust the status score above the threshold so as to remove the prohibition on further interaction between the interactive display device another interactive display device.

Harada teaches of generating a reset (Fig. 9 Steps S11 and S18-S22) using a reset switch (Fig. 1 "reset switch" 131) for resetting the count value in a pedometer (Col. 2 Lines 29-37 and "cold reset" Col. 6 Line 5) (system is capable of performing the step of resetting the status score and the step of generating modified interaction data comprises adjusting the status score), and further comprising the step of prohibiting further interaction between the interactive display device and other interactive display devices, when the status score falls below a threshold (system is capable of performing this step by restoring the game setting of the previous day (Col. 9 Lines 25-34) in order to encourage exercising by children to get the amount of exercise required each day and to look forward to increasing the amount of exercise to improve health (Col. 4 Lines 23-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the generating of a reset signal as taught by

Harada into the teachings of Tajiri, as modified by the wellness statistics and prohibition of further interaction of Ng, in order to encourage exercising by children to get the amount of exercise required each day and to look forward to increasing the amount of exercise to improve health.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,278,499 to Darbee et al. discloses a two-way remote control with advertising display; U.S. Patent No. 5,912,653 to Fitch discloses a garment with programmable video display unit; U.S. Patent Pub. No. 2002/0158812 to Pallakoff discloses a phone handset with a near-to-eye microdisplay and a direct-view display; U.S. Patent Pub. No. 2002/0187833 to Nishiyama et al. discloses a game machine system; U.S. Patent Pub. No. 2002/0098879 to Rheey teaches of an intelligent pet robot; U.S. Patent No. 5,868,236 to Rademacher discloses a pin vending dispenser; U.S. Patent Pub. No. 2002/0028704 to Bloomfield et al. discloses an information gathering and personalization techniques; U.S. Patent Pub. No. 2006/0211463 to Nishiyama et al. discloses a game machine system; U.S. Patent Pub. No. 2003/0080989 to Matsuda et al. teaches of an information processing apparatus, method and medium using a virtual reality space; U.S. Patent Pub. No. 2006/0252458 to Maschke et al. discloses a mobile communication device, in particular in the form of a mobile telephone; and U.S. Patent Pub. No. 2007/0143679 to Resner discloses a virtual character with realtime content input.

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20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571) 270-1992. The examiner can be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**JOHN M. HOTALING, II**  
**PRIMARY EXAMINER**



Paul A. D'Agostino  
Examiner  
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